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## 10.23 PROTECTION SUBDISTRICTS

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Pursuant to the Commission's Comprehensive Land Use Plan, the following protection subdistricts are established:

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### A. ACCESSIBLE LAKE PROTECTION SUBDISTRICT (P-AL)

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#### 1. Purpose

The purpose of the P-AL subdistrict is to maintain and protect the existing natural values of the accessible, undeveloped, high value lakes within the Commission's jurisdiction. This is the class of lakes described as Management Class 2 lakes in the Commission's Comprehensive Land Use Plan. It is the intent of this subdistrict to restrict development but not to regulate timber harvesting beyond the extent to which it is regulated within P-GP subdistricts.

#### 2. Description

Areas surrounding bodies of standing water classified as Management Class 2 Lakes (Accessible, Undeveloped, High Value Lakes).

The protection subdistrict shall extend 500 feet from and around the water body measured from the normal high water mark.

#### 3. Land Uses

##### a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within P-AL subdistricts:

- (1) Emergency operations conducted for the public health, safety, or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities;
- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (4) Non-permanent docking and mooring structures;
- (5) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (6) Surveying and other resource analysis;
- (7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (8) Wildlife and fishery management practices.

**b. Uses Allowed Without a Permit Subject to Standards**

The following uses shall be allowed without a permit from the Commission within P-AL subdistricts, subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agricultural management activities;
- (2) Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (3) Driveways associated with residential uses;
- (4) Land management roads;
- (5) Level A mineral exploration activities, including associated access ways;
- (6) Level A road projects;
- (7) Minor home occupations;
- (8) Service drops;
- (9) Signs listed as exempt in Section 10.27,J; and
- (10) Water crossings of minor flowing waters.

**c. Uses Requiring a Permit**

The following uses may be allowed within P-AL subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
- (2) Campsites;
- (3) Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (4) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
- (5) Filling, grading, draining, dredging or alteration of the water table or water level for other than mineral extraction;
- (6) Land application of septage, sludge and other residuals, and related storage and composting activities;
- (7) Land management roads and water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D; water crossings of bodies of standing water and major flowing waters;
- (8) Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards of Section 10.27,C;
- (9) Level B and C road projects, except for water crossings of minor flowing waters as provided for in Section 10.23,A,3,b;
- (10) Level B mineral exploration activities;
- (11) Major home occupations, except in those plantations and townships listed in Section 10.23,A,3,d;

- (12) Mineral extraction for road purposes less than 5 acres in size, provided that such activity:
  - (a) is not visible from the body of standing water which the P-AL subdistrict was established to protect; and
  - (b) avoids use of the P-AL subdistrict, except where necessary to provide gravel for land management operations where alternative sources are unavailable or impractical;
- (13) Non-commercial structures for scientific, educational and/or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected by this subdistrict;
- (14) Residential: Single family dwelling units provided that such dwelling units are limited to an average density per landownership of one dwelling unit per shore mile. Parcels existing as of November 17, 1988 that have less than 1 mile of shoreline are allowed one dwelling unit within that shoreline area provided that other applicable standards are met. The shoreline is measured by following the shoreline of the lake, including all the shoreline irregularities, on the Commission's Land Use Guidance Map;
- (15) Shoreland alterations, excluding marinas, permanent docking facilities, water-access ways, trailered ramps, hand-carry launches, and water crossings of minor flowing waters;
- (16) Signs other than those listed as exempt in Section 10.27,J;
- (17) Timber harvesting which is not in conformance with the standards of Section 10.27,E;
- (18) Water impoundments;
- (19) Other structures, uses or services that are essential for the exercise of uses listed in Section 10.23,A,3,a through c; and
- (20) Other structures, uses or services which the Commission determines are consistent with the purpose of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the uses or resources they protect.

**d. Special Exceptions**

The following uses may be allowed within P-AL subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) the use can be buffered from those other uses and resources within the subdistrict with which it is incompatible; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan; and further provided that there shall be no more than one development unit per shore mile except as provided in Section 10.23,A,3,c, such distance measured by following the shoreline of the lake, including all shoreline irregularities, on the Commission's Land Use Guidance Map:

- (1) Campgrounds;
- (2) Commercial sporting camps of up to 10,000 square feet in floor area for all principal buildings concerned.

The following uses may be allowed as special exceptions provided the applicant shows, in addition to the criteria listed above, by substantial evidence that there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant:

- (3) Major home occupations in the following plantations and townships provided there is no suitable or reasonably available location in a development subdistrict:
  - Dallas Plantation,
  - Rangeley Plantation,
  - Sandy River Plantation;
- (4) Permanent docking facilities, water-access ways, trailered ramps, and hand-carry launches; and
- (5) Utility facilities other than service drops.

**e. Prohibited Uses**

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-AL subdistricts.

**f. Water Quality Limiting Lakes**

For information relative to water quality limiting lakes see Section 10.23,E,3,f.

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## **B. AQUIFER PROTECTION SUBDISTRICT (P-AR)**

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### **1. Purpose**

The purpose of the P-AR subdistrict is to protect the quantity and quality of ground water supply used or potentially available for human or industrial consumption.

### **2. Description**

Areas identified by the Commission as having soil rated as highly permeable and/or surficial geologic units that are highly permeable and are hydrologically connected through highly fractured bedrock units to a ground water supply which is currently, or anticipated to be, used for public, industrial or agricultural purposes, or areas identified by the Commission as aquifer recharge areas based on studies by appropriate qualified persons or agencies where the Commission determines that such areas warrant water quality protection.

### **3. Land Uses**

#### **a. Uses Allowed Without a Permit**

The following uses shall be allowed without a permit from the Commission within P-AR subdistricts:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities, except for fertilizer application;
- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (4) Non-permanent docking and mooring structures;
- (5) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (6) Surveying and other resource analysis;
- (7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (8) Wildlife and fishery management practices.

#### **b. Uses Allowed Without a Permit Subject to Standards**

The following uses shall be allowed without a permit from the Commission within P-AR subdistricts subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agricultural management activities, except for fertilizer application;
- (2) Driveways associated with residential uses;
- (3) Filling and grading;
- (4) Level A mineral exploration activities, including associated access ways;
- (5) Level A road projects;
- (6) Minor home occupations;
- (7) Public, private and commercial hand-carry launches;
- (8) Service drops; and
- (9) Signs.

**c. Uses Requiring a Permit**

The following uses may be allowed within P-AR subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, subject to the applicable requirements set forth in Sub-Chapter III, and provided that the recharge capability of the area remains the same as it would be under the area's natural state:

- (1) Agriculture management activities which are not in conformance with the standards of Section 10.27,A;
- (2) Application of fertilizers for forest or agricultural management activities;
- (3) Creation, alteration or maintenance of constructed ponds which are not fed or drained by flowing waters;
- (4) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
- (5) Land management roads and water crossings;
- (6) Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards of Section 10.27,C;
- (7) Level B road projects;
- (8) Major home occupations, **except in those plantations and townships listed in Section 10.23,B,3,d;**
- (9) Mineral extraction for road purposes affecting an area less than 30 acres in size, provided the unreclaimed area is less than 15 acres;
- (10) Peat extraction affecting an area less than 30 acres in size;
- (11) Public, private and commercial hand-carry launches addressed in Section 10.23,B,3,b which are not in conformance with the standards of Section 10.27,L;
- (12) Residential: Single-family dwellings, and campgrounds and campsites, provided that sewage is disposed of in such a manner as not to endanger the water quality of the aquifer;
- (13) Shoreland alterations, excluding marinas, permanent docking facilities, water-access ways, trailered ramps, and hand-carry launches;
- (14) Signs which are not in conformance with the standards of Section 10.27,J;
- (15) Utility facilities, excluding service drops;
- (16) Water impoundments;
- (17) Other structures, uses or services that are essential for uses listed in Section 10.23,B,3,a through c; and
- (18) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect.

**d. Special Exceptions**

The following uses may be allowed within P-AR subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses and resources within the subdistrict with which it is incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Filling and grading, except as provided in Section 10.23,B,3,b and draining, dredging and alteration of the water table or water level for purposes other than mineral extraction;
- (2) Level B mineral exploration activities;
- (3) Level C road projects;
- (4) Major home occupations in the following plantations and townships provided there is no suitable or reasonably available location in a development subdistrict:
  - Dallas Plantation,
  - Rangeley Plantation,
  - Sandy River Plantation;
- (5) Public, commercial and private trailered ramps, permanent docking facilities and water-access ways.

**e. Prohibited Uses**

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-AR subdistricts.

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## C. FLOOD PRONE AREA PROTECTION SUBDISTRICT (P-FP)

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### 1. Purpose

The purpose of the P-FP subdistrict is to regulate certain land use activities in flood prone areas in order to minimize the human and financial costs of floods and flood cleanup programs, by protecting adjacent, upstream and downstream property from flood damage, by minimizing danger from malfunctioning water supply and waste disposal systems in flood prone areas; and to comply with the cooperative agreement between the Land Use Regulation Commission and the Federal Emergency Management Agency (FEMA) regarding the regulation of land use so that flood insurance can be made available to persons in flood prone areas.

### 2. Description

Areas located within the 100 year frequency flood plain as identified by the Commission after consideration of relevant data including, without limitation, identification of areas as flood prone by state or federal agencies including the Final Flood Hazard Studies and accompanying Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency, historical data, and the National Cooperative Soil Survey.

### 3. Land Uses

#### a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within P-FP subdistricts subject to the applicable requirements set forth in 44 CFR §60.3(a-e) of the National Flood Insurance Program regulations:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities;
- (3) Land management roads and water crossings of minor flowing waters;
- (4) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (5) Non-permanent docking and mooring structures;
- (6) Primitive recreational uses, including fishing, hunting, hiking, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (7) Surveying and other resource analysis;
- (8) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (9) Wildlife and fishery management practices.

#### b. Uses Allowed Without a Permit Subject to Standards

The following uses shall be allowed without a permit from the Commission within P-FP subdistricts subject to the applicable requirements set forth in Sub-Chapter III and 44 CFR §60.3(a-e) of the National Flood Insurance Program regulations:

- (1) Agricultural management activities;
- (2) Campsites;

- (3) Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (4) Driveways associated with residential uses;
- (5) Filling and grading;
- (6) Level A mineral exploration activities, including associated access ways;
- (7) Level A road projects;
- (8) Mineral extraction affecting an area less than 5 acres in size, for road purposes;
- (9) Public trailered ramps and public, private, and commercial hand-carry launches.
- (10) Service drops; and
- (11) Signs.

**c. Uses Requiring a Permit**

The following uses may be allowed within P-FP subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III and 44 CFR §60.3(a-e) of the National Flood Insurance Program regulations:

- (1) Agriculture management activities and land management roads which are not in conformance with the standards of Section 10.27,A;
- (2) Campgrounds;
- (3) Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (4) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
- (5) Filling and grading, which is not in conformance with the standards of Section 10.27,F and draining, dredging and alteration of the water table or water level for other than mineral extraction;
- (6) Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards of Section 10.27,C;
- (7) Level B and C road projects;
- (8) Level B mineral exploration activities;
- (9) Mineral extraction operations affecting an area 5 to 30 acres in size provided the unreclaimed area is less than 15 acres, for road purposes; mineral extraction operations, affecting an area less than 5 acres in size, for road purposes which are not in conformance with the standards of Section 10.27,C;
- (10) Shoreland alterations, excluding marinas, permanent docking facilities and water-access ways, and trailered ramps, and hand-carry launches;
- (11) Signs which are not in conformance with the standards of Section 10.27,J;
- (12) Trailered ramps and hand-carry launches addressed in Section 10.23,C,3,b which are not in conformance with the standards of Section 10.27,L and commercial trailered ramps;
- (13) Utility facilities, except for service drops;
- (14) Water crossings of tidal waters, bodies of standing water and major flowing waters;
- (15) Water impoundments;

- (16) Other structures, uses or services that are essential for the exercise of uses listed in Section 10.23,C,3,a through c; and
- (17) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect.

**d. Special Exceptions**

The following uses may be allowed within P-FP subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses and resources within the subdistrict with which it is incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Private trailered ramps, permanent docking facilities and water-access ways.

**e. Prohibited Uses**

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-FP subdistricts.

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## D. FISH AND WILDLIFE PROTECTION SUBDISTRICT (P-FW)

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### 1. Purpose

The purpose of the P-FW subdistrict is to conserve important fish and wildlife habitats essential to the citizens of Maine because of their economic, recreational, aesthetic, educational or scientific value.

### 2. Description

This subdistrict shall include wildlife and fishery habitat the Commission determines are in need of special protection pursuant to the following standards:

- a. Significant fish spawning nursery and feeding areas, critical habitat of endangered and threatened fish and wildlife species ascertained by state or federal agencies, and habitat of fish or wildlife species needing special protection by other means, including by a state fish or wildlife conservation plan.
- b. The shelter portions of deer wintering areas when the following conditions are met:
  - (1) The following must be shown for all shelter portions of deer wintering areas proposed for a P-FW subdistrict:
    - (a) Documentation of use as a deer wintering area during a minimum of two years over the most recent 10 year period at the time of designation; for at least one of such years, such documentations shall be based upon ground observation by a wildlife biologist of the Department of Inland Fisheries and Wildlife during or following a period of winter conditions, but no later than May 1 in any year, showing extent of deer use for winter shelter as evidenced by deer tracks, current and past deer browsing, deer pellet depositions, and/or bedding sites, such that a population of at least 20 deer per square mile in the shelter area may be estimated. A P-FW subdistrict may be established for an area with an estimated population of fewer than 20 deer per square mile if, in the Commission's judgment, it is necessary to meet the purpose of the P-FW subdistrict. In this regard, the Commission may be guided by "Planning for Maine's Inland Fish and Wildlife Resources, 1986-1991", of the Maine Department of Inland Fisheries and Wildlife, and associated documents, including the white-tailed deer assessment and strategic plan, as they may be amended from time to time; and
    - (b) Occurrence of forest stands that are composed of over 50 percent conifer stems and contain a conifer crown closure of over 50 percent with predominant tree heights of over 35 feet; and

- (2) The Maine Department of Inland Fisheries and Wildlife (MDIFW) has submitted to the Commission a status report containing the following information:
- (a) Deer population and deer habitat goals for the state and the applicable Wildlife Management District (WMD) – see Map 10.23,D-1;
  - (b) Estimated current population of deer in the state and the applicable WMD;
  - (c) Amount of land designated as P-FW subdistricts in the applicable WMD;
  - (d) Existing information on the amount of deer wintering habitat in organized towns within the applicable WMD;
  - (e) Amount and location of land designated as P-FW subdistricts in the subject township and all townships abutting the subject township;
  - (f) A qualitative and, if available, quantitative assessment, based on existing information, of the importance of the area proposed as a P-FW subdistrict to other wildlife species of particular significance, including those identified by state or federal agencies as Endangered, Threatened, Special Concern, Indeterminate Status, or Watch List; and
- (3) The combined area of the shelter portions of deer wintering areas designated as P-FW or P-4 subdistricts within the applicable WMD must not exceed 3.5% of the area of that WMD; and
- (4) The Department of Inland Fisheries and Wildlife has consulted with the landowner in one of the following ways:
- (a) The Department of Inland Fisheries and Wildlife has offered, in writing, to the landowner whose land is under consideration for designation as a P-FW subdistrict the opportunity to accompany the Department and observe its ground survey of the area proposed for designation, and has met with the landowner following such survey for the purpose of reaching agreement as to the area to be designated as a P-FW subdistrict. In making its offer, the Department may require prior agreement by the landowner to reasonably limit activities that would affect designation of the area while it remains under consideration:
    - (i) If the parties have reached agreement regarding the area to be designated, the terms of such agreement must be submitted to the Commission. Such agreement will not compel the landowner to join in a petition to designate the area as a P-FW subdistrict;
    - (ii) If the parties are unable to reach agreement, the substance of and reasons for the disagreement must be reported in writing to the Commission by the Department and the landowner; or
  - (b) The Department of Inland Fisheries and Wildlife has not offered, in writing, to the landowner whose land is under consideration for designation as a P-FW subdistrict the opportunity to accompany the Department and observe its ground survey of the area proposed for designation, but has met with the landowner following its ground survey for the purpose of reaching agreement as to the area to be designated as a P-FW subdistrict:
    - (i) If the parties have reached agreement regarding the area to be designated, the terms of such agreement must be submitted to the Commission. Such agreement will not compel the landowner to join in a petition to designate the area as a P-FW subdistrict;

- (ii) If the parties are unable to reach agreement, the substance of and reasons for the disagreement must be reported to the Commission by the Department and the landowner. Notwithstanding that disagreement, if the Commission finds that the area meets the criteria for designation as a P-FW subdistrict and applies the P-FW designation to the area, within two years of the date of that subdistrict designation, the landowner may request reconsideration of the designation if the landowner has obtained new information indicating the area did not meet the criteria set forth in Section 10.23,D,2,b,(1) at the time of designation. The Commission will give the Department at least 90 days notice of its receipt of a request for reconsideration prior to deciding that request.
- c. Upon request or agreement by the landowner, the configuration of a P-FW subdistrict may be modified in order to provide the subdistrict with boundaries of reasonably regular shape.
- d. The provisions of Section 10.23,D,2,b, as amended on June 20, 1991, shall apply only to proposals to rezone areas to the P-FW subdistrict that are submitted to the Commission after June 20, 1991.
- e. The Commission may change a P-FW subdistrict by reducing its size or by changing it to another subdistrict designation if it finds by substantial evidence that:
  - (1) The area designated as a P-FW subdistrict is no longer substantially used as a wintering area by deer and has not been so used for a period of ten years; and
  - (2) The change is consistent with the Comprehensive Land Use Plan; and
  - (3) The change is more appropriate for the protection and management of the resource within the affected area.

Alternatively, the Commission may approve such a subdistrict change if the owner of the affected land designated as P-FW and the Commissioner of the Department of Inland Fisheries and Wildlife agree that such change is appropriate or the area is not needed to meet the deer management objectives established by the Department.

Notwithstanding the above, where a P-4 or P-FW subdistrict has been established for the purposes of protecting a deer wintering area, that subdistrict shall not be reduced in size as a result of timber harvesting activities which would cause such subdistrict to no longer satisfy the requirements of Section 10.23,D,2,b,(1),(b).

- f. Coastal nesting islands or portions thereof, to be zoned as P-FW will be determined by the following:
  - (1) Documentation of use by significant numbers of island nesting sea birds through an on-site investigation as reported in the U.S. Fish and Wildlife Service, Maine Cooperative Wildlife Research Unit's Maine Sea Bird Inventory. Breeding population estimates shall be based upon counts of individual nesting pairs and/or visual estimate of the total nesting population of a species.

- (2) An island or portion thereof will be considered essential to the maintenance of sea bird populations when: (a) it provides habitat for one percent or more of Maine's total island breeding population of a particular species, or (b) the sum of such percentages for all species on the island is 1 or greater (the individual percentage is determined by dividing the island breeding population by Maine's total island breeding population for a particular species as determined by the latest information available from the Maine Sea Bird Inventory), or (c) when, in the Commission's judgment, protection of an island or portion thereof is essential to the maintenance of the distribution and abundance of a specific species of sea bird.

The colonial sea bird species considered in the above determination include, but are not limited to: common eider (*Somateria moullissima*), Atlantic puffin (*Fratercula arctica*), razorbilled auk (*Alca torda*), black guillemot (*Cepphus grylle*), snowy egret (*Leucophogothula*), glossy ibis (*Plegadis falcinellus*), arctic tern (*Sterna paradisaea*), common tern (*Sterna hirundo*), roseate tern (*Sterna dougallii*), herring gull (*Larus argentatus*), great black-backed gull (*Larus marinus*) laughing gull (*Larus arcticus*), Leach's petrel (*Oceanodroma leucorhoa*), double-crested cormorant (*Phalacrocorax auritus*), black-crowned night heron (*Nycticorax nycticorax*), and great blue heron (*Ardea herodias*).

### 3. Land Uses

#### a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within P-FW subdistricts (provided, however, only wildlife and fishery management practices approved by the Department of Inland Fisheries and Wildlife or the U.S. Fish and Wildlife Service shall be permitted without prior approval of the Commission from May 1st to July 15th in P-FW subdistricts established for colonial nesting sea birds):

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (3) Non-permanent docking and mooring structures in the shelter portion of deer wintering areas;
- (4) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (5) Surveying and other resource analysis;
- (6) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (7) Wildlife and fishery management practices.

**b. Uses Allowed Without a Permit Subject to Standards**

The following uses shall be allowed without a permit from the Commission within P-FW subdistricts, subject to the applicable requirements set forth in Sub-Chapter III (provided, however, only wildlife and fishery management practices approved by the Department of Inland Fisheries and Wildlife or the U.S. Fish and Wildlife Service shall be permitted without prior approval of the Commission from May 1st to July 15th in P-FW subdistricts established for colonial nesting sea birds):

- (1) Forest management activities and land management roads, provided that timber harvesting and land management road construction are carried out in conformance with the following:
  - (a) Applicant shall confer with the appropriate Biologist of the Department of Inland Fisheries and Wildlife as to how the proposed activity is to occur within the P-FW subdistrict; at the landowner's option, the applicant may also confer with a Forester of the Maine Forest Service;
  - (b) If a plan acceptable to the parties cannot be reached stating how the proposed activity should occur, the applicant shall be required to obtain a permit from the Commission;
  - (c) If a plan acceptable to the parties can be reached, the applicant shall notify the Commission in writing with a copy of the field investigation report by the Biologist (and the Forester where he also has been consulted) which states how and over what time period the activity is to occur -- the notification letter shall be signed by the person responsible for the proposed activity and the field investigation report shall be signed by the Biologist (and the Forester, where applicable);
  - (d) Applicant may proceed with activity in conformity with the plan 14 days after notification to the Commission unless within such time period the Commission disapproves the plan;
  - (e) Applicant shall notify the Commission of completion of activity so that a follow-up field investigation may be carried out by the Commission or its designee.
- (2) Level A mineral exploration activities, excluding associated access ways;
- (3) Level A road projects;
- (4) Mineral extraction for road purposes involving less than one (1) acre of land, provided that such activity is carried out in conformance with the following:
  - (a) Applicant shall confer with the appropriate biologist of the Department of Inland Fisheries and Wildlife for the purpose of developing a plan as to how the proposed activity is to occur within the P-FW subdistrict and within what time period;
  - (b) If a plan acceptable to the parties cannot be reached stating how the proposed activity should occur, the applicant shall be required to obtain a permit from the Commission;
  - (c) If a plan acceptable to the parties can be reached, the applicant shall submit a copy of the agreed-upon plan, signed by both parties, to the Commission;
  - (d) Applicant may proceed with activity in conformity with the plan 14 days following receipt of the plan by the Commission unless, within such time period, the Commission disapproves the plan;
  - (e) Applicant shall notify the Commission of completion of the activity so that a follow-up field investigation may be carried out by the Commission or its designee.

- (5) Minor home occupations;
- (6) Service drops;
- (7) Signs listed as exempt in Section 10.27,J; and
- (8) Water crossings of minor flowing waters.

**c. Uses Requiring a Permit**

The following uses may be allowed within P-FW subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C;
- (2) Agriculture management activities;
- (3) Campsites;
- (4) Creation, alteration or maintenance of constructed ponds which are not fed or drained by flowing waters;
- (5) Filling and grading;
- (6) Land application of septage, sludge and other residuals, and related storage and composting activities;
- (7) Level B road projects;
- (8) Major home occupations, **except in those plantations and townships listed in Section 10.23,D,3,d;**
- (9) Shoreland alterations and non-permanent docking and mooring structures, except as provided for in Section 10.23,D,3,a but excluding marinas, permanent docking facilities, water-access ways, trailered ramps and hand-carry launches;
- (10) Signs other than those listed as exempt in Section 10.27,J;
- (11) Timber harvesting and land management roads for which agreement cannot be reached pursuant to Section 10.23,D,3,b;
- (12) Utility facilities excluding service drops;
- (13) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D; water crossings of bodies of standing water and of major flowing waters;
- (14) Other structures, uses or services that are essential for uses listed in Section 10.23,D,3,a through c; and
- (15) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect.

**d. Special Exceptions**

The following uses may be allowed within P-FW subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses and resources within the subdistrict with which it is incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Driveways;
- (2) Level B mineral exploration activities;

- (3) Level C road projects;
- (4) Major home occupations in the following plantations and townships provided there is no suitable or reasonably available location in a development subdistrict:
  - Dallas Plantation,
  - Rangeley Plantation,
  - Sandy River Plantation.
- (5) Mineral extraction for road purposes involving one (1) to 5 acres of land;
- (6) Permanent docking facilities, water-access ways, trailered ramps and hand-carry launches;
- (7) Single family detached dwelling units; and
- (8) Water impoundments.

**e. Prohibited Uses**

- (1) All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-FW subdistricts.

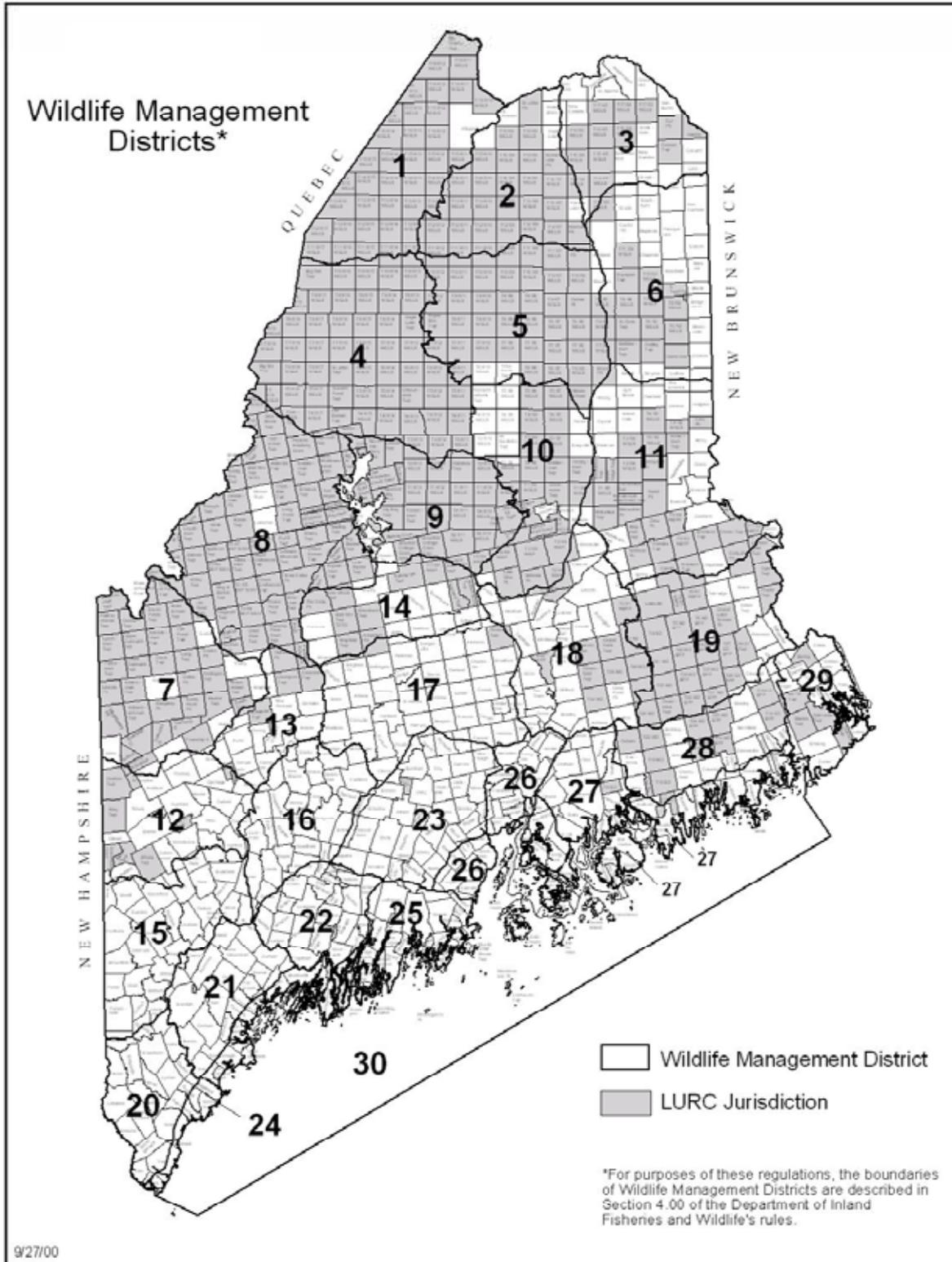


Figure 10.23,D-1 Wildlife Management Districts.

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**E. GREAT POND PROTECTION SUBDISTRICT (P-GP)**


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**1. Purpose**

The purpose of the P-GP subdistrict is to regulate residential and recreational development on Great Ponds to protect water quality, recreation potential, fishery habitat, and scenic character.

**2. Description**

Areas within 250 feet of the normal high water mark, measured as a horizontal distance landward of such high water mark, of those bodies of standing water 10 acres or greater in size.

**3. Land Uses****a. Uses Allowed Without a Permit**

The following uses shall be allowed without a permit from the Commission within P-GP subdistricts:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities, except for timber harvesting;
- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (4) Non-permanent docking or mooring structures;
- (5) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (6) Surveying and other resource analysis;
- (7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (8) Wildlife and fishery management practices.

**b. Uses Allowed Without a Permit Subject to Standards**

The following uses shall be allowed without a permit from the Commission within P-GP subdistricts subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agricultural management activities;
- (2) Commercial hand-carry launches;
- (3) Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters, provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (4) Driveways associated with residential uses;
- (5) Filling and grading;
- (6) Land management roads, and water crossings of minor flowing waters;
- (7) Level A mineral exploration activities, including associated access ways;
- (8) Level A road projects;
- (9) Minor home occupations;
- (10) Public trailered ramps and public hand-carry launches;
- (11) Service drops;

- (12) Signs; and
- (13) Timber harvesting.

**c. Uses Requiring a Permit**

The following uses may be allowed within P-GP subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
- (2) Campsites;
- (3) Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (4) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
- (5) Filling and grading, which is not in conformance with the standards of Section 10.27,F and draining, dredging and alteration of the water table or water level for other than mineral extraction;
- (6) Land application of septage, sludge and other residuals, and related storage and composting activities;
- (7) Land management roads and water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;
- (8) Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards of Section 10.27,C;
- (9) Level B and C road projects, except for water crossings of minor flowing waters as provided for in Section 10.23,E,3,b;
- (10) Level B mineral exploration activities;
- (11) Major home occupations, **except in those plantations and townships listed in Section 10.23,E,3,d;**
- (12) Mineral extraction for road purposes no greater than 5 acres in size;
- (13) Non-commercial structures for scientific, educational and/or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected by this subdistrict;
- (14) Residential: Single family dwellings;
- (15) Shoreland alterations, excluding marinas, permanent docking facilities, water-access ways, trailered ramps, hand-carry launches and water crossings of minor flowing waters;
- (16) Signs which are not in conformance with the standards of Section 10.27,J;
- (17) Timber harvesting which is not in conformance with the standards of Section 10.24,E;
- (18) Trailered ramps and hand-carry launches addressed in Section 10.23,E,3,b which are not in conformance with the standards of Section 10.27,L, commercial trailered ramps and private hand-carry launches;
- (19) Utility facilities other than service drops;
- (20) Water impoundments;
- (21) Other structures, uses, or services that are essential for uses listed in Section 10.23,E,3,a through c; and

- (22) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect.

**d. Special Exceptions**

The following uses may be allowed within P-GP subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) the use can be buffered from those other uses and resources within this subdistrict with which it is incompatible; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Campgrounds;
- (2) Commercial sporting camps of up to 10,000 square feet in floor area for all principal buildings concerned;
- (3) Retail stores and restaurants with a gross floor area of no more than 2,000 square feet;

The following uses may be allowed as special exceptions provided the applicant also shows by substantial evidence that there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant:

- (4) Major home occupations in the following plantations and townships provided there is no suitable or reasonably available location in a development subdistrict:  
Dallas Plantation,  
Rangeley Plantation,  
Sandy River Plantation;
- (5) Permanent docking facilities, water-access ways, and private trailered ramps; and
- (6) Peat extraction affecting an area less than 5 acres in size.

**e. Prohibited Uses**

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-GP subdistricts.

**f. Water Quality Limiting Lakes**

Water Quality Limiting Lakes shall be those bodies of standing water 10 acres or greater in size where the Commission determines from available information that the maximum number of allowable dwelling units, as determined by minimum shoreline frontage requirements for such water body, would give rise to a significant risk of increasing the phosphorus concentration of the water by 5 parts per billion or more.

With respect to future development, including subdivisions, near such water bodies, the Commission may impose additional and/or more protective standards with respect to clearing, frontage and setback requirements, sewage disposal, and other aspects of such development so as to reasonably assure that the above stated maximum allowable change in phosphorus concentration for such water bodies is not exceeded.

The methodology used to identify water quality limiting lakes is shown in Appendix A of this chapter.

## **F. SEMI-REMOTE LAKE PROTECTION SUBDISTRICT (P-GP2)**

### **1. Purpose**

The purpose of the P-GP2 subdistrict is to accommodate seasonal, recreational uses on lakes valued for their semi-remote character and determined to be suitable for limited development through a prospective planning process. This subdistrict is designed to site appropriate uses at a density and in a pattern of development that conserves the essential character of these lakes, and to accommodate traditional uses such as commercial sporting camps and public access. This subdistrict also provides a greater degree of certainty to both the landowners and the public as to the amount of development and conservation that will occur along certain lake shorelines.

### **2. Description**

This subdistrict includes areas within 500 feet of the normal high water mark, measured as a horizontal distance, of those lakes listed below:

- Aziscohos Lake within Lincoln Plantation, Oxford County;
- Lower Richardson Lake, Township C, Oxford County.

The depth of this subdistrict may be deeper than 500 feet to allow development design in the project area that better meets the purpose of this subdistrict. Adjustments will only be made that do not increase the acreage of the project area by more than 10 percent or deviate from the uses allowed in this subdistrict.

Lakes classified as Management Class 3 or 7 may be included on this list only after analysis and review by the Commission through a prospective planning process.

Using Section 10.08 of these rules, the Commission shall designate areas for this subdistrict that are consistent with its purpose and suitable for supporting development when measured against the standards of 12 M.R.S.A. §685-B(4) and the Commission's rules and regulations.

### **3. Land Uses**

The provisions of the P-GP2 subdistrict will not apply to any applications that have been received and deemed complete for processing by the Commission staff on or before January 1, 2001.

Development in this subdistrict will be for seasonal and recreational uses designed to conserve the shoreline character of these lakes and other values such as fisheries and solitude. Except where already in place or in locations near an existing three-phase line, utility facilities and service drops are not an allowed use in order to maintain the existing character and semi-remote experience.

#### **a. Uses Allowed Without a Permit**

The following uses shall be allowed without a permit from the Commission within P-GP2 subdistricts:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities, except for timber harvesting within 250 feet of the normal high water mark;
- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;

- (4) Non-permanent docking or mooring structures;
- (5) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (6) Surveying and other resource analysis;
- (7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (8) Wildlife and fishery management practices.

#### **b. Uses Allowed Without a Permit Subject to Standards**

The following uses shall be allowed without a permit from the Commission within P-GP2 subdistricts subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agricultural management activities;
- (2) Commercial hand-carry launches;
- (3) Creation, alteration, or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (4) Driveways associated with residential uses;
- (5) Filling and grading;
- (6) Land management roads, and water crossings of minor flowing waters;
- (7) Level A mineral exploration activities, including associated access ways;
- (8) Level A road projects;
- (9) Minor home occupations;
- (10) Public trailered ramps and commercial and public hand-carry launches;
- (11) Service drops within one half-mile of three phase utility lines in existence as of January 1, 2001;
- (12) Signs; and
- (13) Timber harvesting within 250 feet of the normal high water mark.

#### **c. Uses Requiring a Permit**

The following uses may be allowed within P-GP2 subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and subject to the applicable requirements set forth in Section 10.23,F,3,f below and Sub-Chapter III:

- (1) Agricultural management activities within 250 feet of the normal high water mark which are not in conformance with the standards of Section 10.27,A;
- (2) Campgrounds;
- (3) Campsites;
- (4) Commercial sporting camps and other commercial recreational facilities up to 8,000 square feet of gross floor area for all principal buildings. Lodges may be built with or without permanent foundations;
- (5) Creation, alteration, or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (6) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
- (7) Filling and grading, which is not in conformance with the standards of Section 10.27,F and draining, dredging and alteration of the water table or water level for other than mineral extraction;

- (8) Land management roads within 250 feet of the normal high water mark and water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D, and water crossings of bodies of standing water and of major flowing waters;
- (9) Level 1 subdivisions for uses permitted in this subdistrict;
- (10) Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards of Section 10.27,C;
- (11) Level B and C road projects, except for water crossings of minor flowing waters, as provided for in Section 10.23,F,3,b;
- (12) Level B mineral exploration activities;
- (13) Mineral extraction affecting areas less than 2 acres in size, for road purposes;
- (14) Non-commercial structures for scientific, educational and/or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected by this subdistrict;
- (15) Public trailered ramps and commercial and public hand-carry launches which are not in conformance with the standards of Section 10.27,L, commercial trailered ramps, and private hand-carry launches;
- (16) Rental cabins of up to 750 square feet of gross floor area without permanent foundations associated with campgrounds and other commercial recreational facilities;
- (17) Residential: Single family seasonal dwellings without permanent foundations;
- (18) Shoreland alterations, excluding marinas, permanent docking facilities and water-access ways trailered ramps, hand-carry launches, and water crossings of minor flowing waters;
- (19) Signs which are not in conformance with the standards of Section 10.27,J;
- (20) Timber harvesting within 250 feet of the normal high water mark which is not in conformance with the standards of Section 10.27,E;
- (21) Utility facilities within one half mile of existing three-phase power lines existing as of January 1, 2001.
- (22) Water impoundments;
- (23) Other structures, uses, or services that are essential for uses listed in Section 10.23,F,3,a through c; and
- (24) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect.

#### **d. Special Exceptions**

The following uses may be allowed within P-GP2 subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that: (a) the use can be buffered from those other uses and resources within this subdistrict with which it is incompatible; (b) there is no alternative site that is both suitable to the proposed use and reasonably available to the applicant; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan.

- (1) Permanent docking facilities, water-access ways, and private trailered ramps.

#### **e. Prohibited Uses**

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-GP2 subdistricts.

**f. Allowed Densities**

Parcels within the P-GP2 subdistrict that are in existence as of January 1, 2001 and that have more than 200 feet but less than 400 feet of shore frontage shall be allowed one dwelling unit provided that other applicable requirements are met.

All parcels within the P-GP2 subdistrict that have more than 400 feet of shore frontage may be further developed subject to the following requirements:

- (1) Maximum density of building units. Overall density within each lot shall be no greater than 1 dwelling unit, principal building, or rental cabin for every 400 feet of shoreline up to a maximum density of 13 units per mile of shoreline.

If physical constraints restrict the development potential of more than 50% of the shore frontage of a parcel, the maximum allowable number of building units per mile of shoreline shall be reduced to one per 200 feet of shoreline that is not constrained. Constraints shall include slopes greater than 15%; wetlands; wildlife habitat such as deer wintering areas, eagle or loon nesting areas; habitat for rare or endangered plant and animals; unique natural communities and natural areas; and historic and archeological resources.

- (2) Building units and density. For the purpose of determining density the following structures shall count as individual building units:

- (a) single family seasonal dwelling units;
- (b) rental cabins associated with campgrounds, sporting camps, or other commercial recreational facilities;
- (c) sporting camp lodges or other commercial recreational base lodge facilities containing three or fewer rental rooms; and
- (d) campgrounds.

Individual campsites, public and private trailered ramps, permanent docking facilities and water-access ways, and non-commercial structures for scientific, educational and/or nature observation purposes shall not count as building units for the purposes of calculating allowable densities. Each set of up to three additional rental rooms, at sporting camp lodges or other commercial recreational base lodge facilities with more than three rental rooms, shall count as an additional unit.

- (3) Phosphorous control. All development shall be designed in accordance with the most current version of the Department of Environmental Protection's "Phosphorous Control in Lake Watersheds: A Technical Guide to Evaluating New Development." Development density shall conform to the requirements of this manual.

- (4) Extent of shoreline to be conserved. At least 50 percent of a landowner's ownership on a shoreline shall be conserved to a depth of 500 feet or the depth of the lot, whichever is less, and set aside as open space according to the provisions of Section 10.25,S. The area to be conserved shall be located so that it will create large and contiguous blocks of open space and/or to conserve sensitive resources and areas used traditionally by the public. This conservation of shoreline shall not affect the amount of development allowed under the maximum density provision above.

(5) Build-out rate. No more than 20 individual units may be constructed in any ten-year period per lot of record as of the date of adoption of these rules, except that credit for unbuilt units may be carried over to the following time period where a maximum of 40 building units in any 10-year period may be developed.

(6) Required buffer. No structural development shall be allowed within a ¼ mile radius of any commercial sporting camp, campground, or group of rental cabins associated with a commercial sporting camp or campground. Individual campsites are excluded from this buffering requirement.

The buffer shall extend from the edge of the principal building, dwelling unit, rental unit, or campsite that is closest to any adjacent use.

**g. Other development considerations**

(1) Campground, campsite, and rental cabin management. All such facilities offered for rent shall be managed and supervised by an attendant who provides regular and routine oversight.

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## G. MOUNTAIN AREA PROTECTION SUBDISTRICT (P-MA)

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### 1. Purpose

The purpose of the P-MA subdistrict is to regulate certain land use activities in mountain areas in order to preserve the natural equilibrium of vegetation, geology, slope, soil and climate in order to reduce danger to public health and safety posed by unstable mountain areas, to protect water quality, and to preserve mountain areas for their scenic values and recreational opportunities.

### 2. Description

- a. Areas above 2,700 feet in elevation, except where the Commission determines from substantial evidence presented to it that designation otherwise would not jeopardize significant natural, recreational or historic resources and where such other designation would be consistent with the purpose, intent and provisions of the Comprehensive Land Use Plan and 12 M.R.S.A. §206-A.

Evidence submitted for consideration in determining whether areas above 2,700 feet in elevation should not be included in a P-MA subdistrict shall include the following:

- (1) Proof that the area meets the definition of the subdistrict in which it is proposed to be placed;
- (2) A soils map showing soil type or soil group names, and a description of their characteristics, demonstrating that the area possesses the following soil conditions:
  - (a) Depth to bedrock of 20" or more,
  - (b) Well or moderately well drained,
  - (c) Slope of less than 25%,
  - (d) A mature soil profile, and
  - (e) Nutrient content and pH status proper to encourage the establishment of vegetation.
- (3) A topographic map indicating the area to be excluded from the P-MA subdistrict;
- (4) A description of scenic conditions and recreational opportunities which shows that there are no areas of scenic value or recreational opportunity which will be unreasonably impaired by excluding such area from the P-MA subdistrict;
- (5) A description of the land use history of the area; and
- (6) Other information pertinent to the suitability of the area, pursuant to 12 M.R.S.A. §685-B(4) for the specific use proposed.

- b. Mountain areas the Commission identifies below 2,700 feet in elevation when vegetative cover, geology, degree of slope, soil type, and climatic conditions indicate the need to protect such areas in order to achieve the purpose of the P-MA subdistrict.

Evidence submitted for consideration in determining whether areas below 2,700 feet in elevation should be included in a P-MA subdistrict shall include the following:

- (1) A soils map showing soil types or groups and a description of their characteristics demonstrating that the area possesses the following soil conditions:
  - (a) Depth to bedrock of less than 20",
  - (b) Less than moderately well drained,

- (c) Slope of 25% or greater,
  - (d) Soil profile which is not mature, and
  - (e) Nutrient content and pH status not conducive to the establishment of vegetation.
- (2) A topographic map indicating the area to be included in the P-MA subdistrict;
  - (3) A description of scenic conditions and recreational opportunities in the area which demonstrates that the same should be included in the P-MA subdistrict;
  - (4) A description of the land use history of the area; and
  - (5) Other information pertinent to the suitability of the area for inclusion in P-MA subdistrict.

### 3. Land Uses

#### a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within P-MA subdistricts:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest and agricultural management activities, except for timber harvesting;
- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (4) Non-permanent docking and mooring structures;
- (5) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (6) Surveying and other resource analysis; and
- (7) Wildlife and fishery management practices.

#### b. Uses Allowed Without a Permit Subject to Standards

The following uses shall be allowed without a permit from the Commission within P-MA subdistricts, subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Level A mineral exploration activities, excluding associated access ways;
- (2) Level A road projects;
- (3) Service drops; and
- (4) Signs listed as exempt in Section 10.27,J.

#### c. Uses Requiring a Permit

The following uses may be allowed within P-MA subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C;
- (2) Campsites;
- (3) Creation, alteration or maintenance of constructed ponds which are not fed or drained by flowing waters;
- (4) Filling, grading, draining, and altering the water table or water level for other than mineral extraction;

- (5) Land application of septage, sludge and other residuals, and related storage and composting activities;
- (6) Land management roads and water crossings;
- (7) Level B road projects;
- (8) Signs other than those listed as exempt in Section 10.27,J;
- (9) Timber harvesting;
- (10) Trails;
- (11) Water impoundments;
- (12) Other structures, uses, or services that are essential for exercise of uses listed in Section 10.23,G,3,a through c; and
- (13) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect.

**d. Special Exceptions**

The following uses may be allowed within P-MA subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10) and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses and resources within this subdistrict with which it is incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Driveways;
- (2) Level B mineral exploration activities;
- (3) Level C road projects;
- (4) Structures relating to downhill skiing and other mountain related recreation facilities; and
- (5) Utility facilities.

**e. Prohibited Uses**

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-MA subdistricts.

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## **H. RESOURCE PLAN PROTECTION SUBDISTRICT (P-RP)**

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### **1. Purpose**

The purpose of the P-RP subdistrict is to provide for the more efficient and effective management of single or multiple protection subdistricts (and in some cases adjoining management subdistricts) than can be realized through the use of other protection subdistricts and their related standards. Resource Plans for such areas that are consistent with the requirements of Section 10.23,H,2 through 9 below may be submitted to the Commission for review, and upon approval, such areas shall be designated as P-RP subdistricts.

“Concept plans,” as outlined in the Comprehensive Land Use Plan, are included under the purpose of this subdistrict.

### **2. Description**

P-RP subdistricts shall be designated in areas where the Commission has approved a Resource Plan that:

- a. Incorporates standards, which, taken as a whole, are at least as protective of the natural environment as those standards which would otherwise be applicable; and
- b. Establishes procedures that reduce the need for repetitious permit applications to the Commission; and
- c. Complies with the criteria established below for their review; and
- d. Has as its primary purpose the protection of those resources in need of protection or, in the case of concept plans, includes in its purpose the protection of those resources in need of protection.

### **3. Permitted Uses**

Unless the Commission otherwise provides in approving the Resource Plan, those uses that are specified in the approved Resource Plan shall be allowed without a permit. The Commission may approve the creation of a subdivision within the context of a Resource Plan approved by the Commission without the need for rezoning to a development subdistrict provided such subdivision is consistent with the purpose and intent of this subdistrict.

### **4. Ownership**

Before the Commission shall consider an application, the applicant shall submit proof that he owns or leases the area for which the Resource Plan is proposed.

### **5. Application Procedures**

All P-RP subdistrict applications shall include at least the following information:

- a. A statement of how the proposed Resource Plan conforms with the purpose of this subdistrict and what objectives will be achieved by the proposed redistricting;
- b. A copy of an existing district map on which the area of the proposed P-RP subdistrict is clearly shown;

- c. A description of the management procedures, conservation easements, covenants, agreements or other formalized procedures that the applicant proposes to use to replace the restrictions and regulations that currently apply. The description shall specify how the Resource Plan achieves equal or better protection of resources in the area than the subdistrict(s) which would otherwise apply;
- d. A copy of all those formal procedures and agreements that will ensure the continued protection of the resources; and
- e. A statement that specifies the expiration date (if any) of the proposed Resource Plan, and of the procedures the applicant may wish to use to extend the provisions thereof.

When the Resource Plan application involves structural development, it shall include, in addition to (a) through (e) above:

- f. Forms, plans, and exhibits as are required by the Commission;
- g. Evidence that the proposal will conform with 12 M.R.S.A. §685-B; and
- h. A covenant stating that no subdivision of the designated area will take place, except as approved by the Commission as part of an approved concept plan.

## **6. Criteria for Review**

The Commission may approve a Resource Plan and any associated redistricting only if it finds that all of the following criteria are satisfied:

- a. The plan conforms with redistricting criteria;
- b. The plan conforms, where applicable, with the Commission's Land Use Districts and Standards;
- c. The plan conforms with the Commission's Comprehensive Land Use Plan;
- d. The plan, taken as a whole, is at least as protective of the natural environment as the subdistricts which it replaces. In the case of concept plans, this means that any development gained through any waiver of the adjacency criteria is matched by comparable conservation measure;
- e. The plan has as its primary purpose the protection of those resources in need of protection, or, in the case of concept plans, includes in its purpose the protection of those resources in need of protection;
- f. In the case of concept plans, the plan strikes a reasonable and publicly beneficial balance between appropriate development and long-term conservation of lake resources; and
- g. In the case of concept plans, conservation measures apply in perpetuity, except where it is demonstrated by clear and convincing evidence that other alternative conservation measures fully provide for long-term protection or conservation.

## **7. Approval or Denial of Resource Plan**

The Commission, after staff review and recommendation, shall approve or deny the redistricting application. If the Resource Plan proposal contemplates structural development, except as provided in Section 10.23,H,3, the Commission may simultaneously with its approval of the P-RP subdistrict, grant, grant with conditions, or deny, applications for such permits as are required for structural development.

Upon approval of the Resource Plan, a P-RP subdistrict shall be designated on the official Land Use Guidance Map and recorded in accordance with the provisions of Section 10.04.

## **8. Duration of Plan**

The provisions of an approved and recorded Resource Plan shall apply for the duration of the approved time period, except that any conservation measures taken to strike a reasonable and publicly beneficial balance in a lake concept plan shall continue to apply to the extent that they are covered by legal contract, deeded covenants, permit requirements, or other legal instruments. The Resource Plan shall be for a minimum of 10 years and may be extended upon approval of the Commission and the applicant. The Resource Plan shall become invalidated if the provisions therein are not complied with.

At the termination of a plan, the Commission will, in conformity with its comprehensive plan, statutes, and standards, designate appropriate zoning which is reasonably consistent with zoning of equivalent areas. Any variation from existing regulations or development occurring as a result of a resource plan cannot be used to justify a subsequent re-zoning, to meet adjacency requirements, or to otherwise change the zoning on property either within or outside the resource plan area upon its expiration.

In the event that a plan is terminated, all transactions initiated as a component of the plan, including without limitation, the granting of conservation easements or restrictive covenants on subdivided lands will continue to apply to the extent that they are covered by legal contract, deeded covenants, permit or other legal requirements.

## **9. Amendments**

Proposed amendments to the Resource Plan shall be made in writing to the Commission. An amendment shall be granted provided it meets the criteria for review listed in Section 10.23,H,6 above. An increase in the size of a P-RP subdistrict may be allowed by amendment, upon approval of the Commission, provided that the Resource Plan is amended to include such expanded area.

<b>P-RP ZP</b>	<b>Resource Protection Plan Applicant(s)</b>	<b>Effective Date Plan Amendments</b>	<b>Expiration Date Comments</b>
001 089	Dix Island Multiple landowners	04/02/1977 Amended 01/23/2003	No Expiration Date
002 057	Hewett Island Multiple landowners	05/24/1978	No Expiration Date
003 192, 654	Penobscot River (expired) Multiple landowners	07/02/1981 Amended 05/31/2001 Amended 06/27/2002	01/08/2003 East Branch renewed (see P-RP 010) Lower West Branch renewed (see P-RP 011)
004 224	St. John River Multiple landowners	09/30/1982 Amended 09/04/1992 Amended 08/29/2002	08/29/2012
005 155	White Mountain National Forest U.S. Forest Service	10/04/1979 Amended 04/03/1992 Amended 11/29/2001	12/31/2005
006 531	Metinic Island - North Half Multiple landowners	09/04/1992	09/04/2012
007 532	Attean Twp. and Dennistown Pt. Lowell & Co. Timber Associates	07/01/1993 Amended 01/11/1994 Amended 04/15/1994 Amended 02/05/1999	07/01/2023
008 578	Metinic Island - South Half Multiple landowners	08/05/1994	08/05/2014
009 659	First Roach Pond Plum Creek Land Co.	01/24/2002 Amended 05/20/2003	01/24/2022
010 664	Penobscot River - East Branch Irving Woodlands LLC	06/27/2002	06/27/2012
011 671	Penobscot River - Lower West Branch Multiple landowners	12/26/2002	12/26/2022
012 682	Brassua Lake Moosehead Wildlands, Inc.	01/29/2004	01/29/2024

Table 10.23,H-1 List of Commission approved Resource Plans. The designated P-RP numbers appear within the appropriate P-RP subdistricts on the Commission Land Use Guidance Maps. The ZP numbers refer to the Zoning Petitions associated with each Resource Plan.

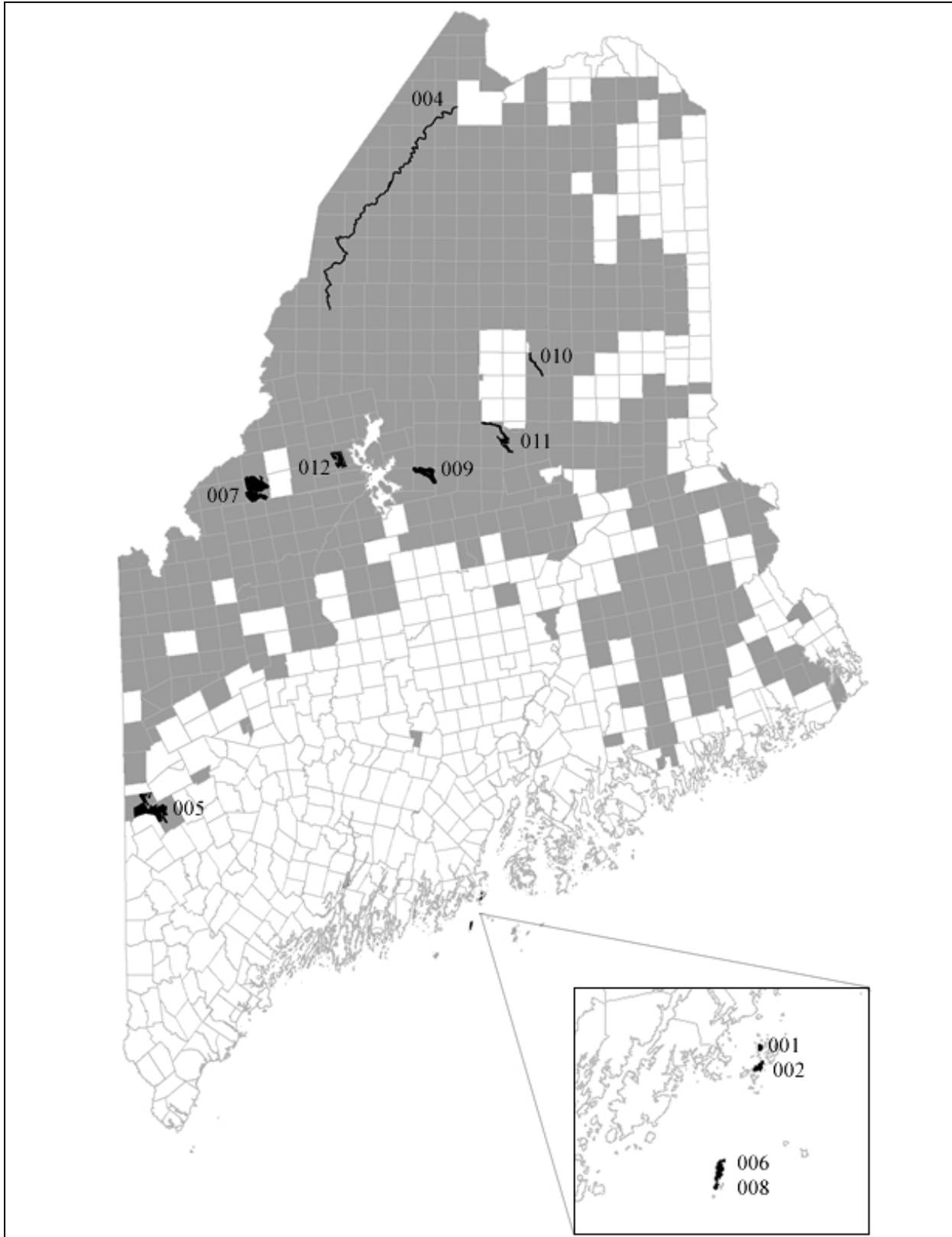


Figure 10.23.H-1 Locations of Commission approved Resource Plans in effect as of January 2004. The designated P-RP numbers appear within the appropriate P-RP subdistricts on the Commission's Land Use Guidance Maps.

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## I. RECREATION PROTECTION SUBDISTRICT (P-RR)

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### 1. Purpose

The purpose of the P-RR subdistrict is to provide protection from development and intensive recreational uses to those areas that currently support, or have opportunities for, unusually significant primitive recreation activities. By so doing, the natural environment that is essential to the primitive recreational experience will be conserved.

### 2. Description

P-RR: Trails, and areas surrounding bodies of standing and flowing water and other areas which the Commission identifies as providing or supporting unusually significant opportunities for primitive recreational experiences.

Bodies of standing water so classified include, but are not limited to, those found to meet the definition of Management Class 1 or Management Class 6 Lakes.

In the case of Management Class 1 Lakes, the Protection District shall extend 1/4 mile out from and around the water body; in the case of Management Class 6 Lakes, the Protection District shall extend 1/2 mile out from and around the water body; and in the case of trails and flowing water, the Protection District shall extend 250 feet on each side of the trail or flowing water, measured from the center of the trail or the normal high water mark of the water, provided that such distance may be decreased where a lesser distance will satisfy the purpose of this subdistrict. The extent, as delineated above, of any P-RR subdistrict may be increased upon land owner agreement.

The river segments within the Commission's jurisdiction identified as meriting special protection in the Governor's Executive Order on Maine Rivers Policy, issued July 6, 1982, based upon the 1982 Maine Rivers Study of the Department of Conservation, shall qualify as flowing water appropriate for protection within this subdistrict.

### 3. Land Uses

#### a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within P-RR subdistricts:

- (1) Emergency operations conducted for the public health, safety, or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Motorized vehicular traffic and snowmobiling with the following exceptions:
  - (a) in the instance of trails designated as P-RR, such traffic and snowmobiling is allowed only on those portions of such trails which are located within the right-of-way of a roadway or utility line;
  - (b) within any P-RR subdistrict surrounding a body of standing water, such traffic is allowed only in connection with forest or agricultural management activities or in connection with access to and use of existing remote camps; but snowmobiling shall be allowed in such subdistrict;
- (3) Non-permanent docking structures;

- (4) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (5) Surveying and other resource analysis;
- (6) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (7) Wildlife and fishery management practices.

**b. Uses Allowed Without a Permit Subject to Standards**

The following uses shall be allowed without a permit from the Commission within P-RR subdistricts, subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Forest and agricultural management activities, except for timber harvesting in P-RR subdistricts established to protect a trail. Timber harvesting in a P-RR subdistrict established to protect a flowing water shall be carried out in compliance with the standards for timber harvesting in P-SL1 subdistricts as set forth in Section 10.27,E. Skid trails, skid roads, and winter haul roads in P-RR subdistricts established to protect a body of standing water shall be discontinued, gated, obstructed or otherwise made impassable to two wheel drive vehicles upon completion of timber harvesting, provided that, wherever such approval is legally required, the Maine Forest Service approves discontinuation of such road, which approval the owner shall request;
- (2) Land management roads provided:
  - (a) the Commission is notified (according to Section 10.16) in advance of commencing construction on the road;
  - (b) the road, if in P-RR subdistricts around a body of standing water, shall be located no closer than 1,000 feet from the normal high water mark of the water body so zoned. The road shall be discontinued, gated, obstructed, or otherwise made impassable to two wheel drive vehicles within three years of construction of the road, provided that, wherever such approval is legally required, the Maine Forest Service approves discontinuation of such road, which approval the owner shall request;
  - (c) the road, if located in a P-RR subdistrict established to protect a trail, follows the shortest practicable route in traversing such subdistricts;
  - (d) the road, if located in a P-RR subdistrict established to protect a flowing water, follows the shortest practicable route in traversing such subdistrict and is built in compliance with the road standards for P-SL1 subdistricts as set forth in Section 10.27,D;
- (3) Level A mineral exploration activities, including associated access ways, provided that such access ways located in P-RR subdistricts established to protect bodies of standing water shall be discontinued, gated, obstructed or otherwise made impassable to two wheel drive vehicles upon completion of the mineral exploration activity, further provided that, when approval for such is legally required, the Maine Forest Service approves the discontinuance of such access ways, which approval the operator shall request;
- (4) Level A road projects;
- (5) Mineral extraction for road purposes in P-RR subdistricts established to protect flowing water, provided that such activity:
  - (a) is not visible from the flowing water which the P-RR subdistrict was established to protect;

- (b) avoids use of the P-RR subdistrict, except where necessary to provide gravel for local land management operations where alternative sources are unavailable or impractical; and
- (c) does not exceed 2 acres in size;
- (6) Service drops;
- (7) Skid trails, skid roads, and winter haul roads in P-RR subdistricts established to protect a trail or flowing water, provided the skid trail or road follows the shortest practicable route in traversing such subdistrict and traverses such subdistrict the fewest number of times practicable;
- (8) Signs listed as exempt in Section 10.27,J; and
- (9) Water crossings of minor flowing waters, except as provided in Section 10.23,I,3,c below.

**c. Uses Requiring a Permit**

The following uses may be allowed within P-RR subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III.

- (1) Campsites;
- (2) Creation, alteration or maintenance of constructed ponds which are not fed or drained by flowing waters;
- (3) Land application of septage, sludge and other residuals, and related storage and composting activities;
- (4) Land management roads which are not in conformance with the standards of Section 10.23,I,3,b. In the case of P-RR subdistricts around bodies of standing water, the Commission shall, among other factors, consider the following:
  - (a) whether there is any reasonable alternative route for the road;
  - (b) whether reasonable and adequate provisions will be made by the applicant to make the road impassable to two wheel drive vehicles following termination of the road's use; and
  - (c) whether the construction and use of the road will adversely affect the resources protected by the P-RR subdistrict;
- (5) Level A mineral exploration activities, including associated access ways, which are not in conformance with Section 10.23,I,3,b or Section 10.27,C;
- (6) Level B road projects;
- (7) Mineral extraction for road purposes less than 5 acres in size, except as provided for in Section 10.23,I,3,b above, in P-RR subdistricts established to protect flowing water;
- (8) Shoreland alterations, excluding marinas, permanent and non-permanent docking facilities, water-access ways, trailered ramps, and hand-carry launches;
- (9) Signs other than those listed as exempt in Section 10.27,J;
- (10) Timber harvesting in P-RR subdistricts established to protect a trail, Timber harvesting in P-RR subdistricts established to protect a flowing water which is not in conformance with the standards for timber harvesting in P-SL1 subdistricts as set forth in Section 10.27,E;
- (11) Water crossings of major flowing waters; water crossings of all flowing waters surrounded by a P-RR subdistrict established to protect such waters;
- (12) Other structures, uses or services that are essential for the exercise of uses listed in Section 10.23,I,3,a through c; and
- (13) Other structures, uses or services which the Commission determines are consistent with the purpose of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the uses or resources they protect.

**d. Special Exceptions**

The following uses may be allowed within P-RR subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses and resources within the subdistrict with which it is incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Filling and grading;
- (2) Level B mineral exploration activities;
- (3) Level C road projects;
- (4) Mineral extraction for road purposes, except as provided in Sections 10.23,I,3,b and c above;
- (5) Permanent docking facilities, water-access ways, hand-carry launches, and public trailered ramps on rivers and streams zoned P-RR to protect flowing waters; and
- (6) Utility facilities other than service drops.

**e. Prohibited uses**

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-RR subdistricts.

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## J. SPECIAL RIVER TRANSITION PROTECTION SUBDISTRICT (P-RT)

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### 1. Purpose

The purpose of the P-RT subdistrict is to protect the special resource values of the flowing waters and shorelands of Maine's outstanding river segments as defined in 12 M.R.S.A. §403, while allowing for responsible land management and compatible development in those communities situated as transition areas between unorganized townships and municipalities outside of the Commission's jurisdiction. Such areas are subject to different pressures and uses than those in less developed areas of the jurisdiction.

### 2. Description

Areas within 250 feet of special rivers as identified in The Maine Rivers Act, 12 M.R.S.A. §403, that are transition areas because they (a) are on the downstream ends of these rivers within the Commission's jurisdiction, and thus are situated between municipalities outside the Commission's jurisdiction and less developed upstream areas, and (b) have established communities and substantial development either on or proximate to the shoreline.

### 3. Land Uses

#### a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within P-RT subdistricts:

- (1) Emergency operations conducted for the public health, safety, or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Motorized vehicular traffic and snowmobiling;
- (3) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (4) Surveying and other resource analysis;
- (5) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (6) Wildlife and fishery management practices.

#### b. Uses Allowed Without a Permit Subject to Standards

The following uses shall be allowed without a permit from the Commission within P-RT subdistricts, subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Driveways associated with residential uses;
- (2) Forest and agricultural management activities provided they are carried out in compliance with the standards for timber harvesting in P-SL1 subdistricts as set forth in Section 10.27,E;
- (3) Level A mineral exploration activities, including associated access ways;
- (4) Level A road projects;
- (5) Mineral extraction from existing pits for road purposes, provided that such activity:

- (a) is not visible from the flowing water which the P-RT subdistrict was established to protect;
- (b) avoids use of the P-RT subdistrict, except where necessary to provide gravel for local land management operations where alternative sources are unavailable or impractical; and
- (c) does not exceed 2 acres in size;
- (6) Minor home occupations;
- (7) Service drops;
- (8) Skid trails, skid roads, and winter haul roads, provided the skid trail or road follows the shortest practicable route in traversing the subdistrict and traverses the subdistrict the fewest number of times practicable;
- (9) Signs listed as exempt in Section 10.27,J; and
- (10) Water crossings for trails, skid trails, skid roads, and winter haul roads of minor flowing waters in P-RT subdistricts, except where P-RT subdistricts have been established specifically to protect such waters and their shorelands as provided in Section 10.23,J,3,c.

**c. Uses Requiring a Permit**

The following uses may be allowed within P-RT subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Campsites;
- (2) Creation, alteration or maintenance of constructed ponds which are not fed or drained by a flowing water;
- (3) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
- (4) Filling and grading;
- (5) Land application of septage, sludge and other residuals, and related storage and composting activities;
- (6) Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards of Section 10.27,C;
- (7) Land management roads provided:
  - (a) no reasonable alternative route outside of the P-RT subdistrict exists;
  - (b) they are set back as far as practicable from the normal high water mark;
  - (c) they follow the shortest practicable route in traversing the subdistrict;
  - (d) they are screened from the river by existing vegetation; and
  - (e) they are built in compliance with the road standards for P-SL1 subdistricts as set forth in Section 10.27,D;
- (8) Level B road projects provided that such roads are set back as far as practicable from the normal high water mark and screened from the river by existing vegetation;
- (9) Major home occupations, **except in those plantations and townships listed in Section 10.23,J,3,d;**
- (10) Mineral extraction from existing pits less than 5 acres in size for road purposes, except as provided for in Section 10.23,J,3,b;
- (11) Mineral extraction from new sites for road purposes less than 5 acres in size when the developer demonstrates that no reasonable alternative mining sites exist outside of the P-RT subdistrict. When new sites must be located within the P-RT subdistrict, they shall be set back as far as practicable from the normal high water

- mark and no less than 75 feet and shall be screened from the river by existing vegetation;
- (12) Residential: Single family dwellings, provided the setback from the normal high water mark is a minimum of 125 feet;
  - (13) Shoreland alterations, non-permanent docking structures excluding marinas, permanent docking facilities water-access ways, trailered ramps and hand-carry launches;
  - (14) Signs other than those listed as exempt in Section 10.27,J;
  - (15) Timber harvesting in P-RT subdistricts which is not in conformance with the standards for timber harvesting in P-SL1 subdistricts as set forth in Section 10.27,E;
  - (16) Water crossings for skid trails, skid roads and winter haul roads of minor flowing waters surrounded by a P-RT subdistrict established specifically to protect such waters and their shorelands and water crossings of major flowing waters;
  - (17) Other structures, uses or services that are essential for the exercise of uses listed in Sections 10.23,J,3,a through c; and
  - (18) Other structures, uses or services which the Commission determines are consistent with the purpose of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the uses or resources they protect.

**d. Special Exceptions**

The following uses may be allowed within P-RT subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses and resources within the subdistrict with which it is incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Level B mineral exploration activities;
- (2) Level C road projects, provided that:
  - (a) no reasonable alternative route outside of the P-RT subdistrict exists and that;
  - (b) such roads are set back as far as practicable from the normal high water mark; and
  - (c) they are screened from the river by existing vegetation;
- (3) Major home occupations in the following plantations and townships provided there is no suitable or reasonably available location in a development subdistrict:
  - Dallas Plantation,
  - Rangeley Plantation,
  - Sandy River Plantation;
- (4) Permanent docking facilities, water-access ways, public trailered ramps, and hand-carry launches on rivers and streams zoned P-RT; and
- (5) Utility facilities other than service drops.

**e. Prohibited Uses**

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-RT subdistricts.

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**K. SOILS AND GEOLOGY PROTECTION SUBDISTRICTS (P-SG)**

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**1. Purpose**

The purpose of the P-SG subdistrict is to protect areas that have precipitous slopes or unstable characteristics from uses or development that can cause accelerated erosion, water sedimentation, mass movement, or structural damage, all of which could cause public danger or threaten public health.

**2. Description**

Areas, 10 acres or more in size, identified by the Commission as having average slopes greater than 60 percent, or areas, 10 acres or more in size, identified by the Commission as having unstable soil which, due to a combination of slope, vegetation, soil type and underlying geology, are subject to accelerated erosion or mass movement.

**3. Land Uses****a. Uses Allowed Without a Permit**

The following uses shall be allowed without a permit from the Commission within P-SG subdistricts:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities, excluding timber harvesting;
- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (4) Non-permanent docking and mooring structures;
- (5) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (6) Surveying and other resource analysis; and
- (7) Wildlife and fishery management practices.

**b. Uses Allowed Without a Permit Subject to Standards**

The following uses shall be allowed without a permit from the Commission within P-SG subdistricts, subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agricultural management activities;
- (2) Level A mineral exploration activities, excluding associated access ways;
- (3) Level A road projects;
- (4) Service drops; and
- (5) Signs.

**c. Uses Requiring a Permit**

The following uses may be allowed within P-SG subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C;
- (2) Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
- (3) Creation, alteration or maintenance of constructed ponds which are not fed or drained by flowing waters;
- (4) Filling and grading, draining, dredging, and alteration of the water table or level for other than mineral extraction;
- (5) Land management roads and water crossings;
- (6) Level B and C road projects;
- (7) Level B mineral exploration activities;
- (8) Mineral extraction for road purposes not to exceed 30 acres in size provided the unreclaimed area is less than 15 acres;
- (9) Shoreland alterations, excluding marinas, permanent docking facilities and boat ramps and ways;
- (10) Signs which are not in conformance with the standards of Section 10.27,J;
- (11) Timber harvesting;
- (12) Trails;
- (13) Utility facilities, except service drops;
- (14) Water impoundments;
- (15) Other structures, uses, or services that are essential for the exercise of uses listed in Section 10.23,K,3,a through c; and
- (16) Other structures, uses or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect.

**d. Special Exceptions**

The following uses may be allowed within P-SG subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Driveways.

**e. Prohibited Uses**

All uses not expressly allowed, with or without a permit, or by special exception, shall be prohibited in P-SG subdistricts.

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## L. SHORELAND PROTECTION SUBDISTRICT (P-SL)

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### 1. Purpose

The purpose of the P-SL subdistrict is to regulate certain land use activities in certain shoreland areas in order to maintain water quality, plant, fish and wildlife habitat and in order to protect and enhance scenic and recreational opportunities.

### 2. Description

P-SL1: Areas within 250 feet of the normal high water mark, measured as horizontal distance landward of such high water mark, of (a) tidal waters, and (b) flowing waters downstream from the point where such waters drain 50 square miles or more.

P-SL2: Areas within 75 feet, measured as a horizontal distance landward, of (a) the normal high water mark of stream channels upstream from the point where such channels drain 50 square miles; (b) the upland edge of those coastal and inland wetlands identified in Section 10.23,N,2,a,(1)(b) and (c) and (2) and (3); and (c) the normal high water mark of bodies of standing water less than 10 acres in size, but excluding bodies of standing water which are less than three acres in size and which are not fed or drained by a flowing water.

### 3. Land Uses

#### a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within P-SL subdistricts:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities, except for timber harvesting;
- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (4) Non-permanent docking or mooring structures;
- (5) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (6) Surveying and other resource analysis;
- (7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (8) Wildlife and fishery management practices.

#### b. Uses Allowed Without a Permit Subject to Standards

The following uses shall be allowed without a permit from the Commission within P-SL subdistricts subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agricultural management activities;
- (2) Commercial hand-carry launches;

- (3) Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (4) Driveways associated with residential uses;
- (5) Filling and grading;
- (6) Land management roads, and water crossings of minor flowing waters;
- (7) Level A mineral exploration activities, including associated access ways;
- (8) Level A road projects;
- (9) Mineral extraction, affecting an area less than 2 acres, for road purposes;
- (10) Minor home occupations;
- (11) Public trailered ramps and public and commercial hand-carry launches;
- (12) Service drops;
- (13) Signs;
- (14) Timber harvesting; and
- (15) Water crossings of minor flowing waters.

**c. Uses Requiring a Permit**

The following uses may be allowed within P-SL subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Campgrounds and campsites;
- (2) Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (3) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
- (4) Filling and grading, except as provided in Section 10.27,F and draining, dredging, and alteration of water table or water level for other than mineral extraction;
- (5) Forest and agricultural management activities which are not in conformance with the standards of Section 10.27,A and cranberry cultivation;
- (6) Land application of septage, sludge and other residuals, and related storage and composting activities;
- (7) Land management roads, and water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D; water crossings of tidal waters, bodies of standing water, and of major flowing waters;
- (8) Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards of Section 10.27,C;
- (9) Level B and C road projects, other than crossings of minor flowing waters as provided for in Section 10.23,L,3,b;
- (10) Level B mineral exploration activities;
- (11) Major home occupations, **except in those plantations and townships listed in Section 10.23,L,3,d;**
- (12) Mineral extraction for road purposes affecting an area of 2 to 5 acres in size and such activities affecting an area of less than 2 acres which are not in conformance with the standards of Section 10.27,C;

- (13) Non-commercial structures for scientific, educational or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected by this subdistrict;
- (14) Peat extraction affecting an area less than 5 acres in size;
- (15) Residential: Single family dwellings;
- (16) Shoreland alterations, excluding marinas, permanent docking facilities, water-access ways, trailered ramps, hand-carry launches and water crossings of minor flowing waters;
- (17) Signs which are not in conformance with the standards of Section 10.27,J;
- (18) Trailered ramps and hand-carry launches addressed in Section 10.23,L,3,b which are not in conformance with the standards of Section 10.27,L, private hand-carry launches and commercial trailered ramps;
- (19) Utility facilities, excluding service drops;
- (20) Water impoundments;
- (21) Other structures, uses or services that are essential for the exercise of uses listed in Section 10.23,L,3,a through c; and
- (22) Other structures, uses or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect.

**d. Special Exceptions**

The following uses may be allowed within P-SL subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) the use can be buffered from those other uses and resources within the subdistrict with which it is incompatible, and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Commercial sporting camps involving a total gross floor area of no more than 10,000 square feet for all principal buildings concerned; and
- (2) Industrial and commercial structures of less than 8,000 square feet which rely on the water resource for their existence.

The following uses may be allowed as special exceptions provided the applicant also shows by substantial evidence that there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant:

- (3) Major home occupations in the following plantations and townships provided there is no suitable or reasonably available location in a development subdistrict:
  - Dallas Plantation,
  - Rangeley Plantation,
  - Sandy River Plantation.
- (4) Permanent docking facilities, water-access ways, and private trailered ramps; and

**e. Prohibited Uses**

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-SL subdistricts.

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## M. UNUSUAL AREA PROTECTION SUBDISTRICT (P-UA)

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### 1. Purpose

The purpose of the P-UA subdistrict is to protect areas of significant natural, recreational, historic, scenic, scientific or aesthetic value which are susceptible to significant degradation by man's activities, and for which protection cannot adequately be accomplished by inclusion in any of the other subdistricts.

### 2. Description

Areas identified by the Commission as important in preserving the historic, scenic, scientific, recreational, aesthetic or water resources of the region or State and which have special land management requirements which cannot adequately be accomplished within another subdistrict, provided that the area is essential to the values sought to be preserved and is no larger than reasonable to protect such values. P-UA subdistricts shall include, but are not limited to, historic or archeological sites or structures, scientific phenomena, natural areas, or important water supply sources. Federal and State Parks and lands, except for public reserved lots, that are not included in P-RP subdistricts may be placed in this subdistrict.

### 3. Land Uses

#### a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within P-UA subdistricts:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities, except timber harvesting;
- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (4) Non-permanent docking and mooring structures;
- (5) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (6) Surveying and other resource analysis;
- (7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (8) Wildlife and fishery management practices.

#### b. Uses Allowed Without a Permit Subject to Standards

The following uses shall be allowed without a permit from the Commission within P-UA subdistricts subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agricultural management activities on Federal or State owned land;
- (2) Campsites owned or operated by Federal or State agencies;
- (3) Level A mineral exploration activities, excluding associated access ways;
- (4) Level A road projects;

- (5) Minor home occupations;
- (6) Public trailered ramps and public hand-carry launches;
- (7) Service drops; and
- (8) Signs listed as exempt in Section 10.27,J.

**c. Uses Requiring a Permit**

The following uses may be allowed within P-UA subdistricts upon issuance of a permit from the Commission subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C;
- (2) Agricultural management activities, except as provided for in Section 10.23,M,3,b;
- (3) Campgrounds owned or operated by Federal or State agencies;
- (4) Campsites except as provided for in Section 10.23,M,3,b;
- (5) Creation, alteration or maintenance of constructed ponds which are not fed or drained by flowing waters;
- (6) Driveways;
- (7) Land application of septage, sludge and other residuals, and related storage and composting activities;
- (8) Land management roads and water crossings;
- (9) Level B road projects;
- (10) Shoreland alterations, excluding marinas, permanent docking facilities, water-access ways, trailered ramps, and hand-carry launches;
- (11) Timber harvesting;
- (12) Trailered ramps and hand-carry launches addressed in Section 10.23,M,3,b which are not in conformance with the standards of Section 10.27,L, and private and commercial hand-carry launches;
- (13) Other structures, uses or services that are essential for the uses listed in Section 10.23,M,3,a through c; and
- (14) Other structures, uses or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect.

The following uses are allowed upon issuance of a permit from the Commission according to 12 M.R.S.A. §685-B and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant can show by substantial evidence that the use is compatible with and will not detract from the values of the resources protected by the P-UA subdistricts:

- (15) Campgrounds except as provided for in Section 10.23,M,3,d;
- (16) Filling and grading;
- (17) Level C road projects;
- (18) Major home occupations, **except in those plantations and townships listed in Section 10.23,M,3,d;**
- (19) Non-exempt signs;
- (20) Retail stores and restaurants with a gross floor area of no more than 1,000 square feet;
- (21) Single family dwelling units; and
- (22) Water impoundments.

**d. Special Exceptions**

The following uses may be allowed within P-UA subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses and resources within the subdistrict with which it is incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Level B mineral exploration activities;
- (2) Major home occupations in the following plantations and townships provided there is no suitable or reasonably available location in a development subdistrict:  
     Dallas Plantation,  
     Rangeley Plantation,  
     Sandy River Plantation;
- (3) Mineral extraction for road purposes affecting an area less than 5 acres in size;
- (4) Peat extraction affecting an area less than 5 acres in size;
- (5) Permanent docking facilities, water-access ways, and commercial and private trailered ramps; and
- (6) Utility facilities excluding service drops.

**e. Prohibited Uses**

All uses not expressly allowed, with or without a permit or by special exception shall be prohibited in a P-UA subdistrict.

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## N. WETLAND PROTECTION SUBDISTRICT (P-WL)

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### 1. Purpose

The purpose of the P-WL subdistrict is to conserve coastal and freshwater wetlands in essentially their natural state because of the indispensable biologic, hydrologic and environmental functions which they perform.

Preserving wetlands will promote the public health and safety of persons and protect property against the hazards of flooding and drought by holding back water during floods and retaining water during dry periods. Wetlands also maintain water quality for drinking, store nutrients from upland run-off in plant tissue, serve as settling basins for silt and sediment from upland erosion, stabilize water supply by maintaining the groundwater table and groundwater recharge and discharge areas, and provide plant, fish and wildlife habitat. Wetlands function as integral and irreplaceable parts of a larger natural system, influencing our climate, economy, environment, and natural heritage.

Insofar as this protection subdistrict also includes the area enclosed by the normal high water mark of surface water bodies within the Commission's jurisdiction, the purpose of this subdistrict shall also be to help insure compatible surface water uses on those water bodies where there is the potential for conflict with other uses and values of such water bodies.

### 2. Description

- a. Surface water bodies and areas meeting the definition of coastal or freshwater wetlands shall be included in P-WL subdistricts as described below:
  - (1) P-WL1: Wetlands of special significance:
    - (a) Areas enclosed by the normal high water mark of flowing waters, stream channels, and bodies of standing water, except for constructed ponds less than 10 acres in size which are not fed or drained by flowing waters;
    - (b) Coastal wetlands, together with areas below the high water mark of tidal waters and extending seaward to the limits of the State's jurisdiction; or
    - (c) Freshwater wetlands, as follows:
      - (i) Within 250' of a coastal wetland or of the normal high water mark of any body of standing water greater than 10 acres;
      - (ii) Containing at least 20,000 square feet in total of the following: aquatic vegetation, emergent marsh vegetation, or open water, unless the wetlands are the result of constructed ponds less than 10 acres in size which are not fed or drained by flowing waters;
      - (iii) That are inundated with floodwater during a 100 year flood event;
      - (iv) Containing significant wildlife habitat;
      - (v) Consisting of, or containing, peatlands, except that the Commission may determine that a previously mined peatland, or portion thereof, is not a wetland of special significance; or
      - (vi) Within 25' of a stream channel.

- (2) P-WL2:
    - (a) Scrub shrub and other nonforested freshwater wetlands, excluding those covered under P-WL1; and
    - (b) Constructed ponds less than 10 acres in size which are not fed or drained by flowing waters.
  - (3) P-WL3: Forested freshwater wetlands, excluding those covered under P-WL1 and P-WL2.
- b. Areas meriting protection as P-WL1, P-WL2, or P-WL3 subdistricts will be identified by the Commission after consideration of relevant data including, without limitation, identification of freshwater and coastal wetlands 15,000 square feet or larger by the National Wetlands Inventory and, when on-site delineation is required, identification of freshwater and coastal wetlands of any size by methods described in the "Corps of Engineers Wetlands Delineation Manual" (1987).
  - c. P-WL subdistricts described in Section 10.23,N,2,a above and identified on the Commission Land Use Guidance Maps may contain inclusions of upland areas or other wetland types smaller than 15,000 square feet that do not conform to the description of P-WL subdistricts in Section 10.23,N,2,a. Such inclusions will be regulated in accordance with the mapped P-WL subdistrict in which they are located.

### 3. Land Uses

#### a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within P-WL subdistricts:

- (1) Boating, with the exception of the use of personal watercraft on bodies of standing water listed in Appendix D of these rules;
- (2) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (3) Fish weirs and traps;
- (4) Forest management activities except for timber harvesting;
- (5) Land management roads in P-WL3 subdistricts;
- (6) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (7) Non-permanent docking or mooring structures;
- (8) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (9) Surveying and other resource analysis;
- (10) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies;
- (11) Use of sea or ski planes; and
- (12) Wildlife and fishery management practices.

**b. Uses Allowed Without a Permit Subject to Standards**

The following uses shall be allowed without a permit from the Commission within P-WL subdistricts, subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agricultural management activities, excluding cranberry cultivation;
- (2) Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size within P-WL2 or P-WL3 subdistricts which are not fed or drained by flowing waters, provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (3) Driveways associated with residential uses within P-WL 2 and P-WL3 subdistricts;
- (4) Filling, grading, draining, dredging or otherwise altering less than 4,300 square feet of a P-WL2 or P-WL3 subdistrict;
- (5) Land management roads in P-WL1 or P-WL2 subdistricts that alter less than one acre of such subdistricts;
- (6) Level A road projects;
- (7) Mineral exploration to discover or verify the existence of mineral deposits, including the removal of specimens or trace quantities, provided such exploration is accomplished by methods of hand sampling, including panning, hand test boring and digging and other non-mechanized methods which create minimal disturbance and take reasonable measures to restore the disturbed area to its original condition;
- (8) Moorings except as provided for in Section 10.23,N,3,c;
- (9) Motorized recreational gold prospecting within the normal high water mark of flowing waters;
- (10) Public trailered ramps and public, private and commercial hand-carry launches within a P-WL2 or P-WL3 subdistrict or within the normal high water mark of flowing waters, stream channels, or bodies of standing water.
- (11) Service drops for telephone or electrical service, including associated vegetative clearing, provided:
  - (a) the line extension does not cross or run beneath a coastal wetland, river, stream, or brook;
  - (b) the placement of wires or installation of utility poles is located entirely upon the premises of the customer requesting service, upon an established utility line easement, upon a roadway right-of-way or, in the case of telephone service, on existing utility poles; and
  - (c) the total length of the extension is less than 2,000 feet;
- (12) Signs;
- (13) Timber harvesting; and
- (14) Water crossings of minor flowing waters.

**c. Uses Requiring a Permit**

Except as provided for in Section 10.23,N,3,b,(4), the following uses may be allowed within P-WL subdistricts upon issuance of a permit from the Commission according to 12 M.R.S.A. §685-B and subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Cranberry cultivation;

- (2) Creation, alteration or maintenance of constructed ponds which are not fed or drained by flowing waters
  - (a) of less than 4,300 square feet in size within a P-WL2 or P-WL3 subdistrict which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
  - (b) 4,300 square feet in size or greater within a P-WL2 or P-WL3 subdistrict; and
  - (c) within P-WL1 subdistrict;
- (3) Driveways associated with non-residential uses within P-WL2 and P-WL3 subdistricts; driveways associated with residential uses within P-WL2 and P-WL3 subdistricts which are not in conformance with the standards of Section 10.27,H; driveways within P-WL1 subdistricts;
- (4) Filling, grading, and dredging, other than for riprap associated with water crossings and except as provided for in Section 10.23,N,3,b;
- (5) Land management roads which are not in conformance with the standards of Section 10.27,D, or which will alter one acre or more of a P-WL1 or P-WL2 subdistrict;
- (6) Level B road projects, other than crossings of minor flowing waters as provided for in Section 10.23,N,3,b;
- (7) Moorings associated with commercial marinas, and moorings established for rent or lease on a commercial basis in areas not regulated by a harbor master;
- (8) Motorized recreational gold prospecting which is not in conformance with the standards of Section 10.27,G;
- (9) Peat extraction affecting an area less than 30 acres in size;
- (10) Shoreland alterations, excluding, marinas, permanent docking facilities, water access ways, trailered ramps, hand-carry launches, water crossings of minor flowing waters, and motorized recreational gold prospecting;
- (11) Signs which are not in conformance with the standards of Section 10.27,J;
- (12) Trailered ramps and hand-carry launches addressed in Section 10.23,N,3,b which are not in conformance with the standards of Section 10.27,L;
- (13) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of tidal waters, bodies of standing water, and of major flowing waters;
- (14) Water impoundments;
- (15) Other structures, uses or services that are essential to the uses listed in Section 10.23,N,3,a through c; and
- (16) Other structures, uses or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect.

**d. Special Exceptions**

Except as provided for in Section 10.23,N,3,b,(4), the following uses may be allowed within P-WL subdistricts as special exceptions upon issuance of a permit from the Commission according to 12 M.R.S.A. §685-A(10) and subject to the applicable requirements set forth in Sub-Chapter III provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses or resources within the subdistrict with which it is incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Draining or altering of the water table or water level for other than mineral extraction;
- (2) Level A mineral exploration activities, except as provided for in Section 10.23,N,3,b,(4), and Level B mineral exploration activities;
- (3) Level C road projects;
- (4) Marinas, permanent docking facilities and water-access ways, trailered ramps and hand-carry launches, except as provided in Section 10.23,N,3,b, and c; and
- (5) Utility facilities, including service drops except as provided for in Section 10.23,N,3,b.

**e. Prohibited Uses**

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-WL subdistricts.